

REMARKS

Reconsideration and allowance in view of the forgoing amendment and the following remarks are respectfully requested.

By this amendment, claims 3, 7-9, 12, 13, 15-18, 21-23 and 26-28 remain pending, claims 3, 7, 8, 12, 13, 17, 18 and 21 and 22 having been amended, and claims 27 and 28 having been newly added.

Rejection of Claims 3, 7, 13, 15-18 and 21

On page 3 of the Final Office Action of November 9, 2005, the Examiner rejected claims 3, 7, 13, 15-18 and 21 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,233,464 to Chmaytelli in view of U.S. Patent No. 6,091,947 to Sumner in view of U.S. Patent No. 5,675,641 to Watanabe et al. (“Watanabe”) and further in view of U.S. Patent No. 6,253,075 to Beghtol et al. (“Beghtol”). Applicants respectfully traverse the rejection.

Independent claim 3 is directed to a method of managing a phone call to a wireless handheld phone device of a personal digital assistant, wherein the phone call is transmitted from a device in a mobile phone network. The method includes, among other things, receiving an incoming phone call only when an earplug device is determined to have a first status and diverting the incoming phone call, by the personal digital assistant, to a voicemail application when the earplug device is determined to have a status other than the first status.

Applicants submit that Chmaytelli, Sumner and Beghtol do not disclose or suggest, either separately or in any combination, receiving an incoming phone call only when an earplug device is determined to have a first status and diverting the incoming phone call, by the personal digital assistant, to a voicemail application when the earplug device is determined to have a status other than the first status, as required by claim 3.

Watanabe, at col. 1, lines 52-62, discloses:

A speaker telephone and a method for operating a speaker telephone capable of switching between half-duplex and full-duplex modes of operation are disclosed. The speaker telephone of the present invention includes a controller which determines whether an earphone is connected or disconnected. If the earphone is disconnected, the controller places the speaker telephone in the half-duplex mode of operation to prevent undesired feedback of speaker output to the microphone input. If the earphone is connected, the controller causes the speaker telephone to transition from the half-duplex to the full-duplex mode of operation.

Thus, Watanabe discloses that when an earphone is connected, the phone is placed in full-duplex mode and when the earphone is disconnected, the phone is placed in half-duplex mode. In other words, Watanabe discloses that the call is received regardless of whether the earphone is plugged in or not plugged in. That is, the call is received regardless of a status of the earplug. For at least this reason, Applicants submit that Watanabe fails to disclose or suggest receiving the incoming phone call only when the earplug device is determined to have a first status, as recited in claim 3.

Applicants further submit that Beghtol also fails to satisfy the deficiencies of Chmaytelli, Watanabe and Sumner. Therefore, Applicants respectfully request that the rejection of claim 3 and dependent claim 7 be withdrawn.

On page 2 of the Advisory Action of January 17, 2006, the Examiner pointed out that Chmaytelli, at col. 1, lines 44-46, discloses checking a connection of a stylus to determine whether a cellular phone is enabled or disabled. The Examiner further stated that Watanabe was used to teach the limitation of checking a status of an earplug connection to a phone. Thus, the Examiner appears to be arguing that the combination of Chmaytelli and Watanabe teaches enabling or disabling a cell phone/personal digital assistant based on a status of an earplug and that it is well known to divert a call intended for a disabled cell phone/personal digital assistant to voicemail.

Assuming *arguendo* that the device taught by the combination of Chmaytelli and Watanabe teaches disabling the cell phone/personal digital assistant based on a status of an earplug, a point which Applicants do not concede, Chmaytelli and Watanabe do not disclose or suggest diverting an incoming phone call, by a personal digital assistant, to a voicemail application when an earplug device is determined to have a status other than a first status. Applicants submit that if the Chmaytelli/Watanabe device is disabled based on the status of the earplug, the disabled Chmaytelli/Watanabe device would not be capable of performing an operation, such as diverting an incoming phone call, as required by claim 3. Applicants submit that Sumner and Beghtol fail to satisfy the deficiencies of the Chmaytelli and Watanabe.

Independent claims 13 and 17 recite features similar to those of claim 3 and are patentable over Chmaytelli, Sumner, Watanabe and Beghtol for at least reasons similar to those discussed above with respect to claim 3. Therefore, Applicants respectfully request that the rejection of independent claim 13 and dependent claims 15 and 16 and the rejection of independent claim 17 and dependent claims 18 and 21 be withdrawn.

Rejection of Claims 8, 9, 22 and 23

On page 8 of the Final Office Action, the Examiner rejected claims 8, 9, 22 and 23 under 35 U.S.C. 103(a) as allegedly being unpatentable over Chmaytelli, Watanabe, Sumner and Beghtol and further in view of U.S. Patent No. 6,343,120 to Rhodes. Applicants respectfully traverse the rejection.

Claims 8 and 9 depend from claim 3, either directly or indirectly as a base claim, and claims 22 and 23 depend from claim 17, either directly or indirectly as a base claim. For at least the reasons discussed above, Applicants submit that claims 3 and 17 are patentable over Chmaytelli, Watanabe, Sumner and Beghtol. Applicants further submit that Rhodes fails to satisfy the deficiencies of Chmaytelli, Watanabe, Sumner and Beghtol. Therefore, Applicants

submit that dependent claims 8, 9, 22 and 23 are patentable over Chmaytelli, Watanabe, Sumner, Beghtol and Rhodes and respectfully request that the rejection of claims 8, 9, 22 and 23 be withdrawn.

Rejection of Claims 12 and 26

On page 9 of the Final Office Action, the Examiner rejected claims 12 and 26 under 35 U.S.C. 103(a) as allegedly being unpatentable over Chmaytelli, Sumner, Watanabe, and Beghtol and further in view of U.S. Patent No. 6,161,134 to Wang et al. (“Wang”). Applicants respectfully traverse the rejection.

Claims 12 and 26 depend from claims 3 and 17, respectively. For at least the reasons discussed above, Applicants submit that claims 3 and 17 are patentable over Chmaytelli, Watanabe, Sumner and Beghtol. Applicants further submit that Wang fails to satisfy the deficiencies of Chmaytelli, Watanabe, Sumner and Beghtol. Therefore, Applicants submit that dependent claims 12 and 26 are patentable over Chmaytelli, Sumner, Watanabe, Beghtol and Wang and respectfully request that the rejection of claims 12 and 26 be withdrawn.

New Claims 27 and 28

Newly added claims 27 and 28 depend from claim 3 and are patentable for at least the reasons discussed above with respect to claim 3.

CONCLUSION

Having addressed all rejections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

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